

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Martin F. BACHMANN *et al.*

Appl. No.: 10/563,944

(U.S. Nat'l Phase of PCT/EP04/07679)

Int'l Filing Date: July 12, 2004

For: **Packaged Virus-Like Particles**

Confirmation No.: 2922

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 1700.0670000/BJD/WBC

**Reply to Notification of Missing Requirements Under 35 U.S.C. §371 in the
United States Designated/Elected Office (DO/EO/US)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office (DO/EO/US) for the above-identified patent application, please note that the following statement "In accordance with 37 C.F.R. § 1.825, the computer readable and paper copies of the substitute sequence listing submitted herewith are the same and include no new matter", was submitted in a Preliminary Amendment and Remarks Under 37 C.F.R. § 1.115, filed at the United States Patent and Trademark Office on January 10, 2006.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

Date: May 31, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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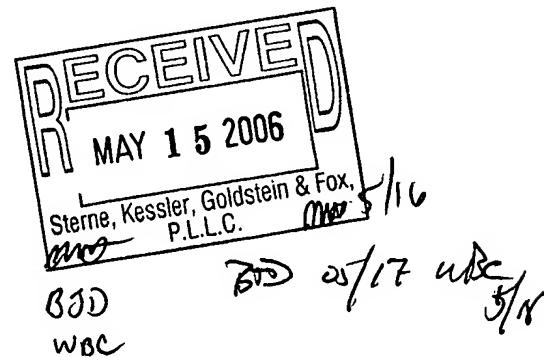
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/563,944	Martin F Bachmann	1700.0670000
INTERNATIONAL APPLICATION NO.		
PCT/EP04/07679		
I.A. FILING DATE	PRIORITY DATE	
07/12/2004	07/10/2003	
CONFIRMATION NO. 2922		
371 FORMALITIES LETTER		
 OC000000018741924		

Date Mailed: 05/10/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/10/2006
- Copy of the International Search Report filed on 01/10/2006
- Preliminary Amendments filed on 01/10/2006
- Biochemical Sequence Diskette filed on 01/10/2006
- Biochemical Sequence Listing filed on 01/10/2006
- U.S. Basic National Fees filed on 01/10/2006
- Priority Documents filed on 01/10/2006
- Specification filed on 01/10/2006
- Claims filed on 01/10/2006
- Abstracts filed on 01/10/2006
- Drawings filed on 01/10/2006
- Paper nucleotide sequence listings filed on 01/10/2006



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8,

Declaration, Seq listing, Appl size fee - due July 10, 2006

STAT QAN 1st December 10, 2006

DOCKETED

2000) and 1238 OG 145 (September 19, 2000).

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/563,944	PCT/EP04/07679	1700.0670000

FORM PCT/DO/EO/905 (371 Formalities Notice)

1A/PT Rec'd PCT/PTO 31 MAY 2006

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 1700.0670000/BJD/WBC
INTERNATIONAL APPLICATION NO. PCT/EP2004/007679	INTERNATIONAL FILING DATE 12 July 2004	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/563,944
PRIORITY DATE CLAIMED 10 July 2003		
TITLE OF INVENTION Packaged Virus-Like Particles		
APPLICANT(S) FOR DO/EO/US Martin F. BACHMANN et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"><input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.<input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.<input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.<input type="checkbox"/> The US has been elected (Article 31).<input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).<input type="checkbox"/> has been communicated by the International Bureau.<input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).<input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><input type="checkbox"/> is attached hereto.<input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).<input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none"><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).<input type="checkbox"/> have been communicated by the International Bureau.<input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.<input type="checkbox"/> have not been made and will not be made.<input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).<input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).<input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.<input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.<input type="checkbox"/> A preliminary amendment.<input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.<input type="checkbox"/> A substitute specification.<input type="checkbox"/> A power of attorney and/or change of address letter.<input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.<input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).<input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
10/563,944	PCT/EP2004/007679	1700.0670000/BJD/WBC

20. Other items or information:

- 1) Reply to Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office (DO/EO/US); and
- 2) One (1) return postcard.

The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200				\$	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500				\$	
TOTAL OF 21, 22 and 23 =					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	(paid 1/10/06)
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$ 50	\$	
Independent claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	\$
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
				SUBTOTAL =	\$
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+ \$	
				TOTAL NATIONAL FEE =	\$
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$	
				TOTAL FEES ENCLOSED =	\$
				Amount to be refunded:	\$
				Amount to be charged	\$

536029.1

- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0036. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CUSTOMER NUMBER 26111



SIGNATURE

Brian J. Del Buono

NAME

42,473

REGISTRATION NUMBER

536029.1